

**REMARKS**

Entry of this amendment, reconsideration of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the above amendments and the following marks. Claims 1, 2, 4-12 and 14-20, as amended, remain pending herein. Claims 3 and 13 have been canceled without prejudice or disclaimer and their subject matter incorporated in part into claims 1 and 11, respectively.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) over Rom (EP 0589552 A2) in view of Hendrik *et al.* (EP 0 851 633 A2) ("Hendrik"). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

Claims 1 and 11 have been amended to clarify that the access point in a WLAN determines when a trigger even occurs without an initial request to switch from the mobile device. More particularly, claims 1 and 11 have been amended to recite in part:

wherein the trigger event is initially determined by the first access point without receiving a request to switch from the mobile device; and  
wherein the access classifications include a path of motion of the mobile device

Support is clearly found in the specification at least at page 3, lines 21-24 and 27-29, and page 5, lines 18-20, and original claims 3 and 13.

Conventionally, in a WLAN, the wireless device monitors the communication with the access point and searches for other access points to switch with when a predetermined level of quality/throughput has deteriorated (specification at page 1, lines 8-1).

However, in the presently claimed invention, the access point monitors the communication to determine a trigger event and searches for other access points in the network. An advantage of the present invention is that the wireless device is able to

switch to a new access point without incurring the overhead associated with the conventional process of search for and negotiating with the new access point.

In contrast to the present claims, the combination of Rom and Hendrik discloses nothing more than a conventional initiation by the wireless device to change access points (see Hendrik Abstract, lines 5-8 and Rom, col. 5, paragraph [0031]).

In addition, claims 1 and 11 recite that the access classifications include a path of motion of the wireless device. An advantage of determining a path of motion of the wireless device is to minimize subsequent access point switches. Thus, even if a particular access point closer to the current access point might have some preferable criteria, if the path of motion of the wireless device is toward the range of further away access, the further away access point may be selected so there is no need to make an addition switch in a short time because of the projected movement of the wireless device.

With regard to the combination of Rom and Hendrik, Applicant strongly disagrees that Hendrik discloses at col. 5, lines 1-15 the path of motion of the wireless device is considered when switching to another access point. The cited passage merely refers to the cover area of access points, and thus, the combination of Rom and Hendrik, as a combination, fail to disclose or in any way render obvious present claims 1 and 11 at least for this deficiency. In addition, Applicant respectfully submits that claims 1 and 11, particularly as amended, would not have been obvious over the combination of Rom and Hendrik to a person of ordinary skill in the art and/or the level of ordinary skill.

According, Applicant respectfully submits that none of the present claims would have been obvious at the time of invention over the combination of Rom and Hendrik. Nor would any of the present claims have been obvious at the time of invention as being

within the ordinary level of skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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